1. This Regulation may be called the Regulation to amend the Cochin Village Panchayat (Amendment) Regulation, XXXIII of 1111, and it shall come into force at once.

Short title and commencement.

*Clause was put and carried.*

**Mr. President.**—The question is that the title and preamble stand part of the Bill.

THE COCHIN VILLAGE PANCHAYAT REGULATION AMENDMENT BILL.

Whereas it is expedient to amend the transitory Provisions enacted by section 5 of the Cochin Village Panchayat Amendment Regulation, XXXIII of 1111, it is hereby enacted as follows :—

Preamble.

*Title and preamble were put and carried.*

**Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—I beg to move that the Bill may be taken up and finally passed to-morrow.

**Mr. T. S. Narayana Ayyar** *(Secretary to Government).*—I second it.

*Motion was put and carried.*

## The Cochin Fisheries Regulation Amendment Bill.

**Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—Sir, I rise to move that the Cochin Fisheries Regulation Amendment Bill be read in Council. The statement of objects and reasons explains why this amendment has become necessary. It has been brought to the notice of the Government that fishing on an extensive scale is carried on every year in certain assigned wet lands in the State. The Government consider that it is just and proper that such fishing should be subject to the provisions contained in the Cochin Fisheries Regulation, 3 of 1092. That Regulation has to be amended accordingly. That Regulation as it exists does not cover such cases and hence this bill. It is obvious that in view of the very extensive prawn fishing that is going on in some assigned lands sometimes very serious difficulty is caused to some land owners while others make money out of the transaction. Government thought that there is no justification to allow fishing to go one without any sort of control and secondly some sort of slight taxation would be very welcome, particularly so because the fishing stakes which are fairly well taxed are seriously affected by this inland fishing

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operations. I am sure the Hon'ble Members clearly understand the scope of the bill and I move that it may be read in Council.

**Mr. T. S. Narayana Ayyar** *(Secretary to Government).*—I second it.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancherri).*—Have you any idea of referring this bill to a select committee?

**Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—I shall explain the scope of the bill after it is read in Council.

*Motion that the Bill be read in Council was put and carried.*

**Secretary to the Council.**—The title of the bill is "the Cochin Fisheries Regulation Amendment Bill."

**Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—I move that Standing Order No. 32 may be suspended and the bill taken up for consideration.

**Mr. President.**—The Standing Order is suspended.

**Mr. Thomas Manjuran** *(Government Advocate and Law Officer).*—I shall try to explain what exactly is the scope of the bill. It is a very simple measure. Sub-clause 3 of the Regulation reads thus:—"private water means water which is the exclusive property of any person or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity". Now the first clause of the bill is to delete clause 3 of the Regulation III of 1092 which was just now read by me. It is a definition of 'private water.' As I said the Cochin Fisheries Regulation excluded its operations from the so-called private waters in some assigned lands. Now the Government consider, in view of the extensive fishing operations that are being regularly conducted in these wet lands, it is necessary to control such fishing and bring it within the ambit of this Regulation. That is the sum and substance of the whole amendment. How the Government is going to achieve this object is by deleting the definition of private water. The distinction between private water and other waters is attempted to be taken away. The first clause where 'private water' comes is in clause 2 (3). The next clause where it comes is in section 5 (1). "Private water means water which is the exclusive property of any person or in which any person has for the time being any exclusive right of fishery whether as owner, lessee or any other capacity. Explanation. Water shall

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not cease to be private water within the meaning of this definition by reason only that other persons may have by custom a right of fishery therein". That is to say the bill attempts to bring within the ambit of our Regulation our prawn fisheries. The whole thing depends upon the rules to be framed by the Government. This Regulation authorises the Diwan to frame rules so as to apply to the assigned wet lands also. That is the scope of the amendment.

**Mr. K. Achyuta Menon** *(Diwan Peishkar)*.—Sir, this affects mainly lands where prawn fishing is conducted. This kind of fishing is mainly carried on in the Cochin-Kanayannur Taluk, and in few portions of Mukundapuram and Cranganur. Practically it is confined to the Cochin-Kanayannur Taluk. The object of the bill is to license or to tax fishing carried on, on a large scale in some assigned wet lands of this taluk. Hon'ble Members might be interested to know that mainly these are all registered as one crop lands. When exactly prawn fishing began it is not possible for me to state. It is of some years' standing. I may even inform the House that after the fall in the price of paddy, this is considered as the main harvest. Even in fields assigned as one crop lands paddy is not raised as a matter of course, but they resort to this kind of enjoyment. The object of the Government is to tax that kind of enjoyment. It seeks to justify its action on several grounds about which I shall presently refer. The method of fishing is very well stated in the report of the Superintendent of the Economic Survey an extract from which I shall read:— "*Coastal villages and island fishing* —the fishing stakes verses sluice fishing. The owners of fishing stakes in the backwaters have a just and longstanding complaint which calls for early redress. The conditions that obtained at the time when fishing stakes were assessed by the Government have wholly changed. In olden times the stakes, which constituted the chief wealth of the Vala (fishermen) community, brought a very considerable and steady income to the owners from the large hauls of prawns and other fish. The owners therefore did not grudge the payment of taxes to the Government. Now, however, the paddy lands bordering the back waters are used as fishing grounds by the land owners or their tenants for about six months in the year. These lands offer special facilities for prawn fishing. At high tide the sluices in the bund are opened and the current enters the paddy fields with shoals of prawns. Powerful gas lights are placed at the openings at night time to attract the shoals. The sluices are then closed, the shoals being entrapped in the fields to be gathered with a degree of ease and thoroughness unknown to the stake owner. The latter spreads his net at low tide to entrap the shoals on their way back; but unfortunately there are but few or no shoals left for the stake nets most of them having been confined to the paddy lands. The stake owner is thus deprived of his legitimate source of income by the land owner. The former pays taxes to the Government for the right right of

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fishing in Government waters, the latter misappropriates the rights and escapes the payment of taxes. This has been going on for years and many stake owners have been utterly impoverished as a result."

This kind of indiscriminate fishing cannot go on. The main question that is likely to be raised is whether the Government will be justified in imposing a tax, and assuming it will be justified, whether it ought to be a tax or a license fee. As to how the Government propose to justify the taxation even though the land revenue is paid upon the land will also be placed before the House without going into details. According to the Land Revenue Settlement it is only the surface cultivation that has been settled. That is the first principle in fact in all settlements. And on the yield from that surface cultivation a certain deduction is made on account of the vicissitudes of the season and out of the net produce a proportion is set apart for Sirkar Land Revenue. The first position that the Government will take is that the land revenue is something different and even though the land is assessed, for land Revenue, it is only for the surface cultivation. The tax proposed is for the extraordinary user of the land.

The second position which the Government would take up is that prawns belong to the Government because they are fish in the Government waters and if the stake owners are compelled to pay something for the privilege of catching fish there is absolutely no reason why the land owners should not be asked to pay for carrying on this kind of appropriation.

**Mr. C. R. Iyyunni** *(Trichur South).*—There will be trespassers into private waters.

**Mr. K. Achyuta Menon** *(Diwan Peishkar).*—Even under the Criminal Procedure Code trespassers into other's properties are prosecuted.

**Mr. C. R. Iyyunni** *(Trichur South).*—These prawn can be prosecuted for trespassing.

**Mr. K. Achyuta Menon** *(Diwan Peishkar).*—The owners can be prosecuted if they make use of Government waters and fish or prawn in them. What happens in the case of elephants? Even though elephants trespass into private property, the elephants remain Government property.

**Mr. A. Sankara Menon** *(Trippunithura).*—You have no monopoly.

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**Mr. K. Achyuta Menon** *(Diwan Peishkar).*—Assuming that the Government have a monopoly then the fact that it went to private land will not make any difference.

Therefore if the fish are in the private property of any man, their capture can be taxed. There is another reason why land owners should be taxed. Most of these land owners are in the habit of spreading their nets in porombokes and they are being prosecuted now as a matter of course. It would be in the interests of the landowners themselves to pay the tax.

**Mr. P. Raman Menon** *(Mulakunnathukavu).*—That may be continued.

**Mr. K. Achyuta Menon** *(Diwan Peishkar).*—That is not a very comforting assurance to the people who are being prosecuted. Government think it will be far better to license the enjoyment than to prosecute them.

**Dr. A. R. Menon** *(Pallippuram).*—Which are the porambokes?

**Mr. K. Achyuta Menon** *(Diwan Peishkar).*—The backwaters.

**Mr. President.**—These will be lands adjoining the backwaters.

**Mr. K. Achyuta Menon** *(Diwan Peishkar).*—Yes, Sir.

These are some of the main considerations why it is proposed to be taxed. I may also point out to the Hon'ble Members that it might be very easy to get at them in another way. This can be taxed under the Village Panchayat Regulation. That is only a change in the method.

**Mr. President.**—Government are fixing for funds.

**Mr. K. Ayyappan** *(Ezhuvas South).*—What will be the approximate income?

**Mr. K. Achyuta Menon** *(Diwan Peishkar).*—About 10,000 rupees as now estimated. But I expect more. I am confident that it will be somewhere in the region of Rs. 20,000.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri).*—Mr. President, Sir, the Hon'ble the Revenue Member has given us some interesting and useful facts regarding the theory of taxation as also of the ownership of prawns. The Hon'ble the Law Member has moved to suspend the Standing Order and take the bill into consideration straight away. My respectful submission is that on all the points raised by the Hon'ble Revenue Member,

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honest difference of opinion may exist. As the attempt of the amending Bill is to find additional revenue—perhaps justifiable revenue—it is desirable that the whole question is examined by a small committee. My suggestion therefore is that a small committee of this House consisting of persons who know sufficient about prawn industry and the ownership, etc., of the back-water areas may be appointed to go into the whole question.

**Dr. A. R. Menon** *(Pallippuram)*.—My constituency will be most vitally affected by this measure. I understand the position of the Government. All the same I would like to have a little more time before we commit ourselves. I would therefore support the motion for a select committee.

**Mr. Thomas Manjuran** *(Government Advocate and Law Officer)*.—In that case I move that a small committee consisting of the Member for Pallipuram whose constituency practically covers the whole area, the Member for Narakkal who is the only other Member affected, Mr. Sankunni, and the Diwan Peishkar may be constituted.

**Dr. A. R. Menon** *(Pallippuram)*.—It is better to have one more legal expert and I would suggest the name of the Hon'ble the Deputy President.

*Motion that the Bill be referred to a Select Committee was put and carried.*

**Mr. President.**—The Deputy President will be the Chairman of the Committee and the Committee is to report within two months.

I have received a requisition from Mr. T. K. Nayar and Mr. Sivarama Menon requesting that the resolutions need be taken up only after legislative business is over. The agenda will accordingly be amended.

*The House rose for the day at 5-10 p. m.*

B. V. KRISHNANKUTTY MENON,

*Secretary to the Council.*

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